



**Upper Tribunal  
(Immigration and Asylum Chamber)**

PA/00418/2020 (V)

THE IMMIGRATION ACTS

Heard at George House, Edinburgh  
by *Skype for Business*  
On 28 October 2020

Decisions & Reason Promulgated

**On 04 November 2020**

Before

Upper Tribunal JUDGE MACLEMAN

Between

**AKAM RASOUL RADOMANI**

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: Mr S Martin of Jain, Neil & Ruddy, Solicitors  
For the Respondent: Mrs R Pettersen, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant identifies himself as Akam Rasool Radomani, a Kurdish citizen of Iran, born on 8 April 1994. He sought asylum in the UK on 21 January 2016, claiming to be at risk by association with the KDPI. He has since claimed also to be at risk from the Iranian authorities though his activities in the UK.
2. On 23 June 2016, the respondent found his claim not to be credible, and declined to accept that his identity and nationality are as claimed. FtT Judge Mackenzie dismissed his appeal by a decision promulgated on 7

February 2017, PA/06857/16. She found the appellant an incredible and unreliable witness, and also declined to accept that he is a citizen of Iran.

3. The appellant made further representations to the SSHD, which were refused on 19 December 2019. He appealed again to the FtT. Judge Fox dismissed his appeal by a decision promulgated on 24 April 2020. His application to the FtT for permission to appeal was refused.
4. The appellant applied to the UT for permission, through different representatives and on different grounds.
5. On 30 July 2020, UT Judge Pitt granted permission, on the view that there was arguable error in “the FtT’s approach to the court documents where the nature of the case was explained in the letter from the appellant’s cousin and where the photographs do appear to show the appellant outside the Iranian Embassy in London”.
6. I conducted the hearing on 28 October 2020 from George House. Representatives attended remotely. No members of the public attended, either in person or remotely. The technology enabled an effective hearing.
7. The grounds are rather lengthy, repetitive, and intermingled. Much of what they contain is recital of uncontentious matters, insistence, and disagreement with the FtT’s weighing of the evidence. Mr Martin in submissions presented the case more clearly and in better order, but much of that was only re-presentation of the case as it was, or should have been, put to the FtT.
8. It was common ground that if there is no error in the conclusion that the appellant has failed to establish that he is Iranian, the rest of the grounds are irrelevant, so I deal with that issue first.
9. The appellant says that production of his *shenasnameh* identity document, with a translation, proof of postage, and evidence from his cousin of sending from Iran, should have been accepted as establishing his nationality and identity, and that the judge’s reasons for holding otherwise did not meet the legal standard.
10. These are the reasons which I detect in the decision:
  - (i) at [21], the previous adverse decision was the (agreed) starting point;
  - (ii) at [22], the previous tribunal did not accept that the appellant is Iranian, or a Kurd;
  - (iii) at [23], the respondent had asked to see the original documents in advance, but they were produced only at the hearing;
  - (iv) at [25], the respondent was deprived of the opportunity to assess the originality and validity of the documents;

- (v) at [26], the appellant was vague about how he came to have the documents (although he was clear that they were provided by the same cousin who provided copy documents for the earlier appeal);
  - (vi) at [27, 29 & 47], the claimed original documents were supplied by the same cousin who provided copies for the first appeal, with no explanation for not producing originals in the first place;
  - (vii) at [28 & 32], no additional evidence to support the authenticity of the documents;
  - (viii) at [30], variation in dating of documents - appellant's evidence that documents required to be updated and renewed, but no reference to background evidence to that effect;
  - (ix) at [32], discrepancy in naming of appellant on the document, perhaps subtle, but lacking explanation;
  - (x) at [33], discrepancy in address of appellant on court document and in his statement;
  - (xi) at [33], summons regarding case of "Sirvan Ja'fari", but no additional detail;
  - (xii) at [33], appellant claimed to arrive in UK on 20 January 2016, no explanation for summons having no date of issue and seeking a court appearance on 2 December 2017, some two years later;
  - (xiii) at [35], above summons, dated 8 February 2017, different from the one produced with the further representations, dated 24 August 2017; and
  - (xiv) at [35], absence of any formal or officially headed notepaper.
11. The grounds show that Judge Fox erred by finding that the appellant is not a Kurd. Neither the respondent nor Judge Mackenzie found otherwise, and he has expressed himself in Kurdish Sorani throughout. I find this slip to be insignificant. The judge has recorded the appellant's case as being that he is Iranian and Kurdish, and has unfortunately expressed rejection on both elements, when only one is in issue. The substance of the decision and of the reasons are all concerned with the appellant not being Iranian, and not with him being anything but Kurdish.
  12. The grounds found on the reference to there being no additional details about Sirvan Ja'fari, and point to information from the appellant's cousin that this individual was calling daily at the appellant's house with a warrant for his arrest. Mr Martin did not seek to make any more of this ground in submissions. It is not a matter which adds significantly to the credibility of the court document. At best, this passage in the grounds identifies a trivial oversight.
  13. It appears that, unsurprisingly enough, identity documents in Iran are updated from time to time.

14. The appellant founds upon the respondent not having objected at the hearing to admission of the documents into evidence. There is nothing in that to show error by the judge. It was pragmatic to agree to them being considered for what they were worth. (They were likely to be admitted anyway, and if not, were likely to multiply future procedure.)
15. The grounds quote authority that “a bare statement that a document was afforded no weight is unlikely to satisfy the requirement to give reasons”, but that misrepresents the decision; see (i) – (xiv) above.
16. The grounds are correct in saying that the appellant is not obliged to have his documentation authenticated, and not obliged to corroborate his case, but those truisms take his case nowhere. The judge did not say that cases cannot be established without authentication of documents and without corroboration, and is to be taken as knowing the law of the jurisdiction. He was entitled to observe that the appellant had not provided authentication, as he might have done, and had deprived the respondent of the chance to have the documents examined.
17. The grounds identify a slip in reason (ii) and an insignificant oversight in reason (xi). Reason (viii) is insubstantial. The grounds do not show, or even suggest, error in the remaining reasons. Naturally enough, some are much stronger than others; but taken together, they are a more than legally adequate explanation of why the FtT found that the appellant had not established his case.
18. The decision of the First-tier Tribunal shall stand.
19. No anonymity direction has been requested or made.



30 October 2020  
UT Judge Macleman

---

#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal’s decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.

5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is “sent” is that appearing on the covering letter or covering email.